

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DARWIN MARKEITH HUGGANS,)	
)	
Movant,)	
)	
v.)	Case No. 4:13 CV 323 CDP
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

In June of 2015, I denied Darwin Markeith Huggans' motion to vacate, set aside or correct his sentence, brought under 28 U.S.C. § 2255. Huggans thereafter moved to alter or amend this judgment based on newly discovered evidence. I denied this motion on July 26, 2016. Huggans has appealed the denial of his motion to alter or amend, as well as my Order and Judgment denying his motion to vacate. He now seeks leave to proceed *in forma pauperis* on appeal. I will deny this request.

When I denied Huggans' motion to vacate, I specifically denied a certificate of appealability, finding that Huggans had not made a substantial showing of the denial of a constitutional right. *See Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997). Further, an appeal from my July 2016 Order denying his motion to alter or amend would not be taken in good faith given that, for the reasons set out in that


Order, Huggans failed to present argument or evidence showing that his claim had any arguable basis either in law or fact. 28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

Accordingly,

IT IS HEREBY ORDERED that Darwin Markeith Huggans' motion to proceed *in forma pauperis* on appeal [47] is **DENIED**.

IT IS FURTHER ORDERED that Huggans shall, within thirty (30) days of the date of this Order, either pay the \$505 appellate filing fee or file a motion in the United States Court of Appeals for the Eighth Circuit for leave to proceed *in forma pauperis*.

IT IS FURTHER ORDERED that Huggans shall file any future documents or pleadings in connection with his appeal directly with the United States Court of Appeals for the Eighth Circuit.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 4th day of October, 2016.